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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GULCAN SIMSEK,

Plaintiff,

-against-

TERRAFINA, L.L.C., JOSEPH PAGANO,
KENAN IZCI, and JAMES LOCK,

Defendants.

1:19-cv-07538-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On November 9, 2020, the Court entered a Stipulation and Order pursuant to which Plaintiff Gulcan Simsek (“Plaintiff”) agreed to withdraw her Motion for Default Judgment as against Defendants Terrafina, L.L.C. (“Terrafina”) and James Lock (“Lock”). Pursuant to that Stipulation and Order, Terrafina and Lock agreed, *inter alia*, to answer Plaintiff’s Complaint, request a stay of discovery jointly with Plaintiff, and pursue private mediation.

On November 10, 2020, the Court held a hearing on Plaintiff’s Motion for Default Judgment as against Defendant Kenan Izci (“Izci”), the sole remaining defaulting Defendant. Counsel for Plaintiff and counsel for Terrafina and Lock were in attendance. Izci did not appear. At the hearing, counsel were unable to provide information on, *inter alia*, the operational and legal status of Terrafina; whether Izci has an ownership interest in Terrafina; and whether Izci was employed by Terrafina at the time service purportedly was made at the last business address of Terrafina or whether Izci continues to be employed by Terrafina. Accordingly, and for the reasons discussed on the record at the hearing, IT IS HEREBY ORDERED that Plaintiff’s Motion for Default Judgment as against Izci is DENIED without prejudice to renewal with further evidence regarding the adequacy of service of process.

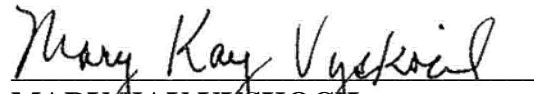
In accordance with matters discussed at the hearing, IT IS FURTHER ORDERED that:

- The joint application to stay discovery is denied without prejudice,
- The parties shall file a joint status letter no later than **November 13, 2020, at 4:00 PM** advising the Court whether Lock has cooperatively furnished factual information regarding Terrafina and Izci to resolve the outstanding issues concerning service of process described above and in greater detail during the hearing. If discussions between the parties are cooperative and Plaintiff's requests for information are satisfied, the parties may renew their request that discovery be stayed.
- Terrafina and Lock shall answer the Complaint on or before **December 14, 2020**.
- The parties shall file a joint status letter no later than **January 15, 2021, at 4:00 PM** advising the Court whether the private mediation scheduled for January 12, 2021, was successful or, if it was not successful, whether the parties are continuing to discuss settlement.

Failure to comply with deadlines or other terms of this Order may result in sanctions, including preclusion or dismissal of claims or defenses.

SO ORDERED.

**Date: November 10, 2020
New York, NY**


MARY KAY VYSKOČIL
United States District Judge